Estb. II-37.—40,000—26-12-38.

Development (1939) Department.

MS SERIES.

G.O. No. 2873

Dated 25 11 39

[Despatch Abstract.]

Labour Department

Mangalore Mission

Boarding Home (Basel) Inc

cram - Mortgage deed

Returned after execution

C.F. 30.

LABOUR **DEPARTMENT.**

Received 21 DEC 1938 19 . *Registered* 34454 19

Subject.

SCHEDULED CLASSES - Mangalore Mission - Boys' Boarding Home - Building grant - Draft mortgage deed - Approval requested.

ENCLOSURES.
No. 5 sheets.
Spare copies

A-6 No. 2423/38.

Station MADRAS, *Dated the* 20th December 1938.

From (Name) S.V.RAMAMURTY, ESQ., M.A., I.C.S.
(Designation) COMMISSIONER OF LABOUR.

To The Secretary to the Government of Madras,
DEVELOPMENT Department.

Sir,

(N) Returned for Part II Scheme file (N)

Ref: Govt. Order No.593 Ms. Development Department, dated 8-3-38 and the Govt. Memo. No.3612-IM/38-2 Development Department, dated 22-6-38.

I send herewith for the approval of the Government a draft of mortgage deed received from the Collector of South Kanara in respect of the grant sanctioned in the G.O. cited towards the site and buildings purchased by the Depressed Classes Mission, Mangalore. The Government Pleader, Mangalore, has examined the draft and found it to be in order. The documents noted below are also sent herewith

for

for reference and return:

(i) Sale deed in favour of the Depressed Classes Mission dated 23-3-37 (No.684/37)

(ii) Encumbrance Certificate.

(iii) Mulgeni Right No.1088 dated 19-7-1890.

2. After the Government approve of the draft, the deed will be got executed on proper stamp paper by the Depressed Classes Mission, Mangalore and sent to the Government for execution. According to para. 1 of the appendix to G.O.No.648 Public (Reforms) Department, dated 1-4-37, the deed in question will have to be executed by the Secretary to the Government.

I have the honour to be,

Sir,

Your most obedient servant,

for Commissioner of Labour.

KRA.20/12.

Appendix P

(Chapter VIII, Rule 54)

This INDENTURE made this day of ~~September~~ one thousand nine hundred and thirty ~~eight~~ nine, BETWEEN The Depressed Classes Mission, Mangalore, represented by its Secretary, Sri ~~G. Suryanarayana Rao, son of Sambasiva Rao~~ (hereinafter called the Mortgagors) of the one part and His Excellency the Governor of Madra (hereinafter called "the Governor" which expression shal where the context admits include his successors in offic and assigns) of the other part;

WHEREAS the Mortgagors have purchased at the price of Rupees Two thousand seven hundred and thirty-eight annas fourteen and pies three only (Rs 2,738-14-3) for the purposes of a school and are well and truly entitled to and possessed of the piece or parcel of land particularly described in the schedule hereunder written with the buildings thereon And WHEREAS the mortgagors have in accordance with the provisions of the Grant-in-Aid Code of the Madras Educational Department now in force in the Province of Madras applied to the Government of Madras (hereinafter called "the Government") for a grant-in-aid of the sum of Rupees One thousand-three hundred and sixty nine (Rs 1,369) being part of the said purchase money and have submitted to the Government the certificate referred to in rules 53, 54 and 55 of the said Grant-in-Aid Code as to the value of the said buildings And WHEREAS the Government have consented and agreed to make the said grant in the manner provided in Cahpter VIII of the said Grant-in-Aid Code upon the mortgagors entering into the covenants on their part and giving the security hereinafter contained,

Now THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the payment of the sum of Rupees One thousand three hundred and sixty-nine (Rs 1,369) the receipt whereof the mortgagors do hereby acknowledge they the mortgagors do hereby for themselves their (~~respective heirs executors administrators legal representatives~~ successors and assigns) covenant with the Governor that they the aforesaid mortgagors or their (~~heirs executors administrators legal representatives~~ successors or assigns) will from time to time and at all times so long as the said buildings shall be used for the purposes of the said school conduct and manage such school or cause such school to be conducted and managed by the person for the time being in charge of same in accordance with the rules and regulations ~~for the time being~~ in force in the Madras Educational Department so far as the same respectively are applicable to the said school and will not prior to the lapse of 40 years from the date hereof divert or allow to be diverted the said buildings to other than educational purposes approved by the Government and will during such period keep such buildings in good and substantial order and repair so that the same may be always efficient for use for the purposes of the said school and will in the event of the said buildings prior to the lapse of such period ceasing to be used for educational purposes approved by the Government forthwith repay the Government a sum which shall bear a like proportion to the amount hereby advanced as the unexpired number of years of the period of 40 years limited herein bears to the total number of 40 years so limited;

PROVIDED Always that nothing herein contained

shall be deemed to prevent the use by the mortgagors their (~~heirs executors administrators legal representatives~~ successors or assigns) or the person or persons for the time being in charge of the said buildings out of the hours during which the same should be used for the objects of such school for such other reasonable and proper purposes other than educational as the mortgagors their (~~heirs executors administrators legal representatives~~ successors or assigns) or the person or persons for the time being in charge of the said buildings may direct and

THIS INDENTURE FURTHER WITNESSETH that in further pursuance of the said agreement and in consideration of the said grant-in-aid so paid as aforesaid the mortgagors do (~~and each of them doth~~) hereby grant ~~convey and assign unto the Governor all that piece or~~ parcel of land particularly described in the Schedule hereunder written together with all and singular the buildings and erections now being or which may hereafter be thereon and all rights easements and appurtenances whatsoever usually held or connected therewith or reputed to belong or be appurtenant thereto and also all furniture fixtures fittings maps and other school apparatus school books and chattels for the time being in and belonging to or used or to be used for the said school and all the estate right title interest claim and demand of the mortgagors (~~and each of them~~) into and upon the said hereditaments and premises TO HAVE AND TO HOLD the said piece or parcel of land hereditaments chattels and effects and all other the premises expressed to be hereby assured unto the Governor according to the nature and tenor thereof respectively UPON TRUST to permit the same hereditaments and premises to be used by the mortgagors their

successors
executors administrators legal representatives or assigns or his or their nominee or nominees) as a school for the Depressed Classes;

AND with power in case the mortgagors their successors
(heirs executors administrators legal representatives or assigns) shall fail to pay on demand the sum then due and payable in manner hereinbefore provided to sell and absolutely dispose of the said hereditaments and premises, and apply the proceeds of such sale after payment thereout of all costs and expenses attending the same in or towards recouping or reimbursing to the Government the said grant-in-aid or sum then due and payable as aforesaid and to pay the surplus if any to the mortgagors their successors
(executors administrators legal representatives or assigns)

Col. 15 provided ALWAYS that the Governor shall not exercise the said power of sale unless and until he shall have caused to be served on the mortgagors their successors
(heirs executors administrators legal representatives or assigns) a notice in writing requiring payment of the sum then due and payable hereunder and default had been made in payment thereof for three months after such service PROVIDED ALWAYS and it is hereby agreed and declared that at the expiration of the said period of 40 years hereinbefore referred to the Governor shall in the event of the covenants hereinbefore contained on the part of the mortgagors their successors
(heirs executors administrators legal representatives or assigns) having been in the meantime duly performed and observed (re-convey and re-assign at his or their cost unto the mortgagors their heirs executors administrators legal representatives successors or assigns as they may direct) all and singular the piece or parcel of

land hereditaments chattels goods or other premises hereby expressed to be granted, conveyed or assigned

SCHEDULE

Description of Properties

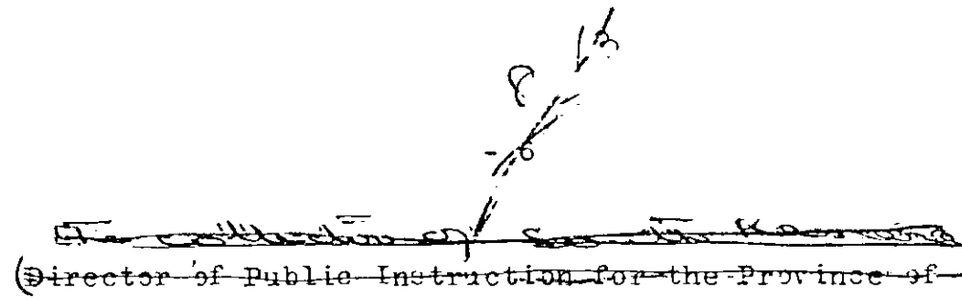
ITEM I. All that piece or parcel of land of Survey No. 56 sub division No. 2, Punja, 5 acres 61 cents in extent situated at Kadri Village No. 87/B (old 102/B) appertaining to Mangalore Registration sub district in South Kanara District containing one tiled building, a well, trees along with all rights and easements.

ITEM II. All that piece or parcel of land of Survey No. 56 sub-division No. 1, Puja, 72 cents in extent situated in Kadri village No. 87/B (old 102/B) of Mangalore Registration sub district in South Kanara District containing tiled building with trees with all rights and easements.

Both the items I and II are held on mulgeni under the Kadri Shri Jogeshwar Mutt and have to pay an annual mulgeni rental of Rs 8 to the aforesaid Jogeshwar Mutt as per the terms of the registered document No.1088 dated 19-7-1890.

All of which lands were in the occupation of the Bharat Seva Samitri and is now in the possession of the aforesaid mortgagors the Depressed Classes Mission, Mangalore.

IN WITNESS whereof the said Sri R. Suryanarayana Rao as representing the Depressed Classes Mission, Mangalore, and



~~Director of Public Instruction for the Province of Madras~~) acting on behalf of and by the order and direction of the Governor of Madras have hereunto set their respective hands and seals the date and year first above written

Signed sealed and delivered by
the abovenamed

in the presence of

Signed sealed and delivered by
the abovenamed

in the presence of

49
20/3

Dev. Dept.

Dev. No. 34452 IV Dy. 20-3-37

Scheduled Classes — Mangalam Mission — Boys' Boarding Home — Building grant — Draft mortgage deed. Ref. Letter from the C-g/L. A-6. No. 2423/38 Dy 20-12-38

H. I. & C.F.

Cash. 3-8

The draft mortgage deed submitted by the C-g/L. with his letter read above is approved as amended and is appended to this Memo. The Commissioner is requested to get the draft deed as amended, executed on proper stamp paper by the R.C. Mission and submit it to Govt. for execution.

A

2. The following documents also are returned herewith:

(i) Sale deed in favour of the R.C. Mission Dy 23-3-37;

(ii) Encumbrance Certificate

(iii) Mulgeni Right No. 1088 Dy 19-7-1937.

To the C-g/L (with H3-22 cf. returned).

Draft with Govt Lr to C-g/L

15/7 Dy.

17/7 Govt 18/7/37

Dev. Dept

Dw. No. 34454 IV/38-5 dt 19-5-39

Scheduled Classes – Mangalore Mission – Boys' Boarding House – Building grant – mortgage deed. Ref- Dw. No. 34454 IV/38-4 dt 20-3-39.

The C-of L. is requested to state whether the draft mortgage deed called for in Rc 1 of the memo. referred to above may be expected by Govt.

E.R. 8.7.39.

To

The C-of L

18/5/39.

E.R. 18/5

5 X 11

C.F. 30.

LABOUR **DEPARTMENT.**

15097

Received ..... 19 *Registered* 19

Subject.

SCHEDULED CLASSES :- Mangalore Mission - Boys' Boarding Home - Building grant - Mortgage deed.

ENCLOSURES.
No. .....
.....
Spare copies .....

A-6 No 2992/39.

Station MADRAS *Dated the* 26th M a y 1939.

From (Name) S.V.RAMAMURTY ESQ., M.A., I.C.S.

(Designation) COMMISSIONER OF LABOUR.

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

Sir,

Ref: Govt. Memo. No.34454-IV/38-5 Dev. Deptt., dated 19-5-39.

The draft mortgage deed called for in the Govt. Memo. cited, has not yet been received from the Collector of South Kanara. I have reminded him. I shall send the draft mortgage deed as soon as it is received from the Collector.

E.P. 8.7.39

for Commissioner of Labour. 27/5/39

KRA.26/5.

PR 26/5/39

may come on 1-7-39

30/5/39

12

C.F. 30.

LABOUR **DEPARTMENT.**

Received ..... 19 . *Registered* 2883 19

Subject.

SCHEDULED CLASSES - Mangalore - Mission - Boys' Boarding Home - Building grant - Mortgage submitted.

ENCLOSURES.
No. C/3 (in all)
.....
Spare copies.....

A6 No. 2992/39.

Station MADRAS, *Dated the* 23rd September 19 39.

From (Name) V.RAMAKRISHNA ESQ., M.A., I.C.S.

(Designation) COMMISSIONER OF LABOUR.

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

Sir, p.10 supra

p.9 supra

Ref: Govt. Memoranda No.34454-IV/39-4 dated 20-3-39 and No.34454-IV/38-5 dated 19-5-39.

3-18 supra. I submit herewith the mortgage deed executed on proper stamp papers by the Depressed Classes Mission, Mangalore.

pp 8 supra The draft deed is also enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

1/2 [illegible]

for Commissioner of Labour.

KRA.26/9.

2/10. 29/9/39

13

Dev. Dept.

O.M.No.34454-IV/38-6 D/13-10-1939.

Sub:-Mangalore Mission - Boarding Home - Building Grant - Mortgage deed -

Ref:-Letter from the C.L.No. A.6-2992/39, dated 23.9.39.

The date noted below the signature at page 7 of the deed does not tally with that mentioned in the first paragraph of the deed. The C.L. is requested to have the date at page 7 of the deed corrected and attested by the Secretary of the Mission and return the same to Govt.

To the C.L. (with the deed).

14

C.F. 30.

DEPARTMENT.

Received 19

13385

Registered 19

Subject.

Scheduled Classes - Mangalore - Mission-Boys' Boarding Home - Building grant - Mortgage deed submitted.

ENCLOSURES.
No. 7 sheets.
.....
Spare copies.....

A-6-No. 2992/39

Station Madras, *Dated the* 6th November 1939. 19

From (Name) V. Ramakrishna Esq., M.A., I.C.S.,

(Designation) Commissioner of Labour, Madras.

To The Secretary to the Government of Madras,

Development Department.

Fort St. George.

Sir,

Ref:- Government Memorandum No. 34454 IV-38/6 dated 13th October 1939.

The mortgage deed is resubmitted herewith after correction.

R.V. 7/11

for Commissioner of Labour.

7/11/39

7.11.39

15

Dev. Dept.

A Ecc. 34452 IV/38 pb H

– Scheduled Classes – Mangalore Mission – Boys' Boarding Home – Building grant – draft mortgage deed.

To Ex.S.

Please see the letter from the C. of L. on ft 1-2 C.F. and the draft mortgage deed on ft 3-8 C.F. The Govt. Pleader is said to have examined it and found it to be in order. As pointed out by the C. of L. the deed will have to be executed by the Secy. The draft may perhaps be approved and sent to the C. of L. for getting it executed on stamp paper by the Mission. Fin. and "Legal" may perhaps see the draft before it is finally approved.

ft 1 C.F

ft 2 C.F

11/1

6/1/39

Ecc-34452 IV/38-1

11—1—39

ASSISTANT SECRETARY TO GOVERNMENT
12 JAN 1939
FINANCE DEPT.

1462 Esp

2 46

Fin. (Exp)

Please see His dept'l notes on pp. 40-41 of G.O. No. 593 Div. D 8.3.38 and the letter from the Comm'r of Labour on pp. 1-2 of. The draft mortgage deed may be perused and the case passed on to Legal. Ho. Through Hist. JKH 17.1.39

1.1.39 17.1.39 17.1.39 Legal Ho

Fin HO/462 Exp 1
18.1.39
D 3 cf.
A52

C422

Legal Department.

Page 1 of the mortgage deed.

In line 2 the words "one thousand nine hundred and thirty eight" may be changed into "one thousand nine hundred and thirty nine'

Page 2 of the mortgage deed.

As it is inappropriate to refer to heirs executors administrators and legal representatives in the case of an institution, in line 6-7 the words "respective heirs executors administrators legal representatives and assigns" may be changed into "successors and assigns".

In lines 8 and 9 the words "heirs executors administrators legal representatives or assigns" may similarly be changed into "successors or assigns"

Page 3 of the mortgage deed.

In lines 2 and 3 and 8 and 9, the words "heirs executors administrators legal representatives or assigns" may be changed into "successors or assigns"

In line 14 the words "and each of them doth" are unnecessary and may be omitted.

In line 26 the words "and each of them" may be omitted.

p.6 cf

Page 4 of the mortgage deed.

In lines 1 and 2 the words "executors administrators legal representatives or assigns or his or their nominee or nominees" may be changed into "successors or assigns or their nominee or nominees".

In lines 5 and 6 the words "heirs executors administrators legal representatives or assigns" may be changed into "successors or assigns".

In line 14 the words "executors administrators legal representatives or assigns" may be changed into "successors or assigns".

In lines 17 and 18 and 26 and 27 the words "heirs executors administrators legal representatives or assigns" may be changed into "successors or assigns".

In lines 28 to 31 the words "re-convey and re-assign at his or their cost unto the mortgagors their heirs executors administrators legal representatives or as he or they may direct" may be changed into "re-convey and re-assign at their cost unto the mortgagors their successors or assigns as they may direct".

The alterations indicated in pencil on the draft deed may also be made.

Legal 4224

13.3.39

ASSISTANT SECRETARY TO HOME GOVERNMENT
13 MAR 1939
DEVELOPMENT DEPARTMENT

7432

I R 11
10.3.39
S

Bgs DW

Gs
11/3/39

4 18

Rev. Dept.

To R.S.

Please see the Legal Dept. note on the 2-3 supra. The amendments suggested by them have been carried out in the Draft ~~Grant~~ mortgage Deed. It may be sent to the C.P.C. A Draft Govt. is sent for approval.

x

to VRS
Pages 3-8 C/f

16/3/39
AO
TB

17/3/39

CW
18/3/39

Issued as O.M. No. 34454-IV/39-4, d. 20.3.39. p 1 f.
Letter from the C.P. No. A.6.2992/39, d 23.9.39. p. 2-12 f.

To R.S.

The C.P. has submitted the mortgage deed executed on proper stamp papers by the deputed Classis Mission Mangalore. It may be sent to Legal for perusal before it is executed by the Secretary. p. 2-12 f.

KCV
15-XI
Dem. No. 6.34454-IV/38-5
3.10.39.

AS2
ASSISTANT SECRETARY
3-OCT 1939
LEGAL DEPARTMENT

6982

BM
3.10.39

Legal.

P.S.
2.10.39.

SD
2.10.39

19

Legal Department.

19 e 7

13 e 7

The date noted below the signature at page 7 of the deed does not tally with that mentioned in the first paragraph of the deed. The deed is otherwise in order.

1 R 71
4.10.39
S

The recital in the last paragraph of the deed that was the executants "set their hands and seals" on the 4th or 5th day of June mentioned in the first paragraph. After the date below the signature of Nazamuddin contradicts the recital in the document.

Legal s.o. 6982-1
5.10.39.

DW
7/10/39

Dem. draft.

25627

Lo & S

Please see Legal notes above. The C.L. may be asked to have the defect rectified. A draft O.M. is submitted for approval.

RH 3/10

RS.
10.10.39.
10-10-39

p. 12 c. f.
p. 14 c. f.

Issued as O.M. No. 34454-IV/38-6, d. 13-10-39
Letter from the C.L. No. A.I.2992/39, d. 6-11-39.

6 20

To-W-S

The T.L. has resubmitted the mortgage deed after scoring out the date at p.7 of the ~~mort~~ deed attested by the secretary of the mission A draft order is submitted for approval. After approval by W.S. the mortgage deed will be separately taken to Secretariat for signature

pp. 15-24 c/f.
p. 21 c/f

F-S.
20.11.39.

23/11/39.

21.11

21

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied with Docket		
When examined..	23/11	
When signed ..		
When despatched.		

Dem. Dispatch.

SUBJECT:—

Labour Deptt:- Mangalore mission, Boarding home-Building grant - ~~Mortgage~~ Mortgage deed - Returned after ~~signature~~ execution.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No 34454-I/38 from the C.L. _____, No. A.6299/39 dated 23-9-1939. p.120 f

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ ~~Resolution~~ ~~Ms.~~ ~~Rout.~~ No. 2873, dated 25-11-1939.

pp. 15-21 c.f.

on p. 20 of file 2, 38 (V) 19.12.38

+ 2555 (Z) 14.10.38

To the C.L. (with the mortgage deed)

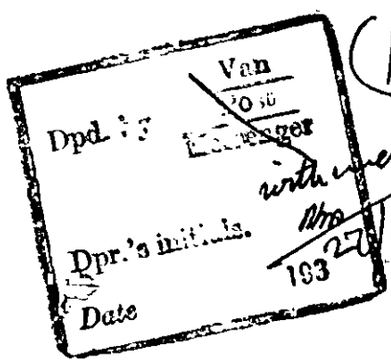
(pp. 15-21 c.f.)

The mortgage deed is returned ~~after signature~~ to the Commissioner of Labour, duly executed

P.S. 29.11.39.

21.11.39

M 23/11



25

C.F. 30.

LABOUR **DEPARTMENT.**

Received ASSISTANT SECRETARY TO GOVERNMENT DEVELOPMENT DEPARTMENT 1 FEB 1940 19 . Registered 3277 19

Subject.

LABOUR DEPARTMENT - Mangalore Mission - Boarding Home - Building grant - Mortgage deed - Registration of.

ENCLOSURES.
No. .....
.....
Spare copies .....

A-No. 2991/39.

Station MADRAS, *Dated the* 31st January, 19 40.

From (Name) V.RAMAKRISHNA ESQ., M.A., I.C.S.

(Designation) COMMISSIONER OF LABOUR.

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

Sir,

Ref: G.O.No.Ms.2873, Devexlopment Department, dated 25-11-1939.

The mortgage deed has been registered and filed in my office.

I have the honour to be,

Sir,

Your most obedient servant,

for Commissioner of Labour.

KRA.31/1.